

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GREGORY POWELL,

Plaintiff,

Case No. 12-11861
HON. GERSHWIN A. DRAIN

vs.

PARIS, EWING, FRUIT, SLEEP, FARRAR,
SKEANS, DARGA, BRASSFIELD, ALBRECHT,
UNKNOWN K-9 POLICE OFFICER (DOG),
PLYMOUTH TOWNSHIP, and
WESTLAND TOWNSHIP,

Defendants.

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION (#33),
DENYING DEFENDANT ALBRECHT'S MOTION FOR SUMMARY JUDGMENT (#25),
DENYING DEFENDANT WESTLAND'S MOTION FOR SUMMARY JUDGMENT (#26)

I. INTRODUCTION

This matter is before the court on Defendant Albrecht's Motion for Summary Judgment and Defendant Westland's Motion for Summary Judgment. The matter was referred to Magistrate Judge Laurie J. Michelson, who issued a Report and Recommendation on June 18, 2013, recommending that the Court deny Defendant Albrecht's Motion for Summary Judgment, deny Defendant Westland's Motion for Summary Judgment, and sua sponte dismiss Defendants Ewing, Fruit, Sleep, Farrar, Skeans, Darga, Radar (Dog), Plymouth Township and Westland Township from the suit. Service was re-sent on June 28, 2013 after the original mailing to Mr.

Powell was returned as undelivered. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. *See* 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. Therefore, the Court hereby ACCEPTS and ADOPTS Magistrate Judge Michelson's June 18, 2013 Report and Recommendation [#33] as this Court's findings of fact and conclusions of law. Defendant Albrecht's Motion for Summary Judgment [#25] and Defendant Westland's Motion for Summary Judgment [#26] is DENIED. Defendants Ewing, Fruit, Sleep, Farrar, Skeans, Darga, Radar (Dog), Plymouth Township and Westland Township are dismissed from the action sua sponte pursuant to 28 U.S.C. § 1915(e)(2).

SO ORDERED.

Dated: July 31, 2013

S/Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
July 31, 2013, by electronic and/or ordinary mail.

S/Tanya Bankston
Deputy Clerk